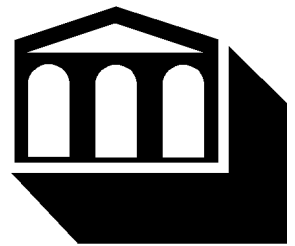


Juvenile Justice Benchbook

Delinquency and Criminal Proceedings



Michigan Judicial Institute

Funding provided by a grant from the
Michigan Justice Training Commission

By **Tobin L. Miller, J.D.**

Under the direction of the
Juvenile Justice Benchbook
Advisory Committee

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Foreword and Acknowledgments

The Juvenile Justice Benchbook: Delinquency & Criminal Proceedings, was funded by a grant from the State of Michigan, Department of State Police, Michigan Justice Training Commission. The Michigan Judicial Institute (MJi) thanks the Michigan Justice Training Commission for its generous support.

Although this benchbook is primarily intended for use by Circuit Court judges and referees presiding over delinquency cases and criminal cases involving juveniles, it also contains information useful to law enforcement officers, court personnel, prosecuting attorneys, and defense attorneys. It is hoped that the benchbook will be of use to anyone who participates in the juvenile justice system in Michigan.

A new type of proceeding involving juveniles was instituted by the Michigan Legislature in 1996. In “designated” proceedings, juveniles are tried criminally within the “juvenile court,” and a guilty verdict results in a conviction, not a juvenile adjudication. As a result of this 1996 legislation, Michigan courts now have four different types of proceedings for handling criminal offenses by juveniles. They are delinquency proceedings, “designated” proceedings, “automatic” waiver proceedings, and “traditional” waiver proceedings.

This benchbook distinguishes these four types of proceedings. Its goal is to explain both the procedures that must be followed and the purposes or goals behind those procedures. The benchbook is organized as follows. Chapters 1 through 5, Chapter 8, and Chapter 25 contain information applicable to all four types of proceedings. Chapters 6 through 15 discuss delinquency proceedings. Chapters 16 through 21 cover “designated” proceedings. Chapters 22 and 23 detail the procedures involved in “automatic” waiver cases, and Chapter 24 discusses “traditional” waiver proceedings.

Work on this benchbook was overseen by an Advisory Committee made up of judges, an attorney referee, prosecuting attorneys, defense attorneys, and court administrators. The Advisory Committee members assisted the author in selecting topics for discussion and organizing the material in the benchbook. They spent many hours reviewing drafts of each chapter as this benchbook was prepared. MJi gratefully acknowledges the time, helpful advice, and expertise contributed by the Advisory Committee members.

The Advisory Committee members are:

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This benchbook was researched and written by MJI Research Attorney Tobin Miller. MJI Publications Administrator Len Kowalski was the project manager and editor for this benchbook. Additional editorial assistance was provided by MJI Program Administrator Dawn McCarty. MJI Research Attorney Mary Lovik provided general guidance and assistance. MJI Publications Coordinator Ann Tschirhart was responsible for cover design and page layout, and for coordinating reproduction and distribution. Veronica Sionakides acted as copy editor and cite checker.

The Michigan Judicial Institute was created in 1977 by the Michigan Supreme Court. MJI is the division of the State Court Administrative Office responsible for providing continuing education programs and publications to Michigan's judges and court employees. The MJI staff is as follows:

F Kevin J. Bowling, Director	F Mary Lovik, Research Attorney
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The Juvenile Justice Benchbook is the first of four benchbooks designed especially for judges and court employees assigned to the Family Division of the Circuit Court. It will be followed by the Domestic Violence Benchbook, to be published in the Fall of 1998, and the Child Protective Proceedings Benchbook, to be published in the Spring of 1999. Both of these benchbooks will be written and produced by the Michigan Judicial Institute. The fourth benchbook of this series is the Family Law Benchbook, which will be written and produced by the Institute of Continuing Legal Education (ICLE) in Ann Arbor. The ICLE benchbook will be written pursuant to a contract with the State Court Administrative Office and will be distributed to judges and court employees in the Spring of 1999.

Kevin J. Bowling
Director, Michigan Judicial Institute

John D. Ferry, Jr.
State Court Administrator

The research done on this benchbook is current through May 22, 1998. This benchbook is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed in the benchbook. However, it does represent the consensus of the author and the advisory committee members regarding these issues.

June 1, 1998